IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 14410US02)

In the Application of:
    Steven E. Koenck, et al.

Electronically Filed on February 21, 2008

Application No.:   10/622,241

Filed: July 18, 2003

For: MODULAR, PORTABLE DATA
    PROCESSING TERMINAL FOR USE IN
    A RADIO FREQUENCY
    COMMUNICATION NETWORK

Examiner: Minh D. Dao

Group Art Unit: 2618

Conf. No.   3123

REQUEST FOR A CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's representative respectfully requests that the Filing Receipt for the application referenced above ("the Application") be corrected.

Pursuant to the Amendment filed on October 19, 2007, a copy of which is attached, the entry following the title, "Domestic Priority data as claimed by applicant", should be corrected to read as follows:

--This application is a CON of 09/597,917 06/19/2000

which is a CON of 09/481,281 01/11/2000 ABN

which is a CON of 08/955,345 10/21/1997 PAT 6,014,705

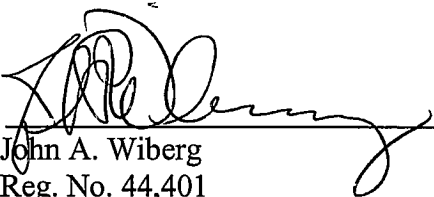which is a CON of 08/114,872 08/31/1993 PAT 5,680,633--

A copy of the Official Filing Receipt reflecting all changes is attached hereto.

A corrected Filing Receipt is respectfully requested.

In the event that any additional fees are required for the filing of this response, the Commissioner is hereby authorized to charge any fees which may be required as a result of filing this paper to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,
McANDREWS, HELD & MALLOY, LTD.

Date: February 21, 2008

By: _____
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In the Application of:

       Steven E. Koenck, et al.

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Electronically Filed on <u>October 19, 2007</u>

AMENDMENT

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

    Applicant submits this Amendment in response to the Office Action mailed on May 21, 2007. Please amend the application as shown on the following pages.

    Amendments to the Specification begin on page 2 of this paper.

    Amendments to the Claims begin on page 3 of this paper.

    Remarks begin on page 11 of this paper.

Amendments to the Specification:

Please amend the priority claim by replacing all of the text in the "Cross-Reference to Related Applications" section, on page 1 and the first three paragraphs of page 2, with the following text:

This application is a continuation of U.S. Patent Application 09/597,917, filed June 19, 2000, which is a continuation of U.S. Patent Application 09/481,281, filed January 11, 2000, which is a continuation of U.S. Patent Application 08/955,345, filed October 21, 1997 (now U.S. Patent 6,014,705), which is a continuation of U.S. Patent Application 08/114,872, filed August 31, 1993 (now U.S. Patent 5,680,633), all of which are hereby incorporated herein by reference.

Amendments to the Claims:

Please amend claims 21, 31-34, 45-48 and 58-60 and cancel claims 30 and 44 as shown in the following listing of claims. This listing of claims will replace all prior versions and listings of claims in the application:

1-20. (cancelled)

21. (currently amended) A base module for use in a portable terminal utilizing a communication protocol stack having higher and lower layers, the portable terminal also comprising a communication module having a wireless transceiver and ~~adapted~~ operable to perform the functionality of the lower layers of the communication protocol stack, the base module comprising:

a base memory ~~adapted~~ operable to store the higher layers of the communication protocol stack; and

a base processor ~~adapted~~ operable to cooperate with the communication module to effect wireless communication by the communication module, the base processor being ~~adapted~~ operable to perform the functionality of the higher layers of the communication protocol stack stored in the base memory, wherein the base processor does not perform the functionality of at least one lower layer of the communication protocol stack, instead allowing the communication module to perform the functionality of said at least one lower layer.

22. (previously presented) The base module of claim 21 wherein the base processor's performance of the functionality of the higher layers of the communication protocol stack enables the base processor to cooperate with a communication module supporting substantially any type of wireless transceiver to effect wireless communication by the communication module.

23. (previously presented) The base module of claim 21 wherein the base module is configured to receive the communication module in an assembled position which

communicatively couples the base processor and a module processor of the communication module.

24. (previously presented) The base module of claim 23 further comprising:

a base connector that is communicatively coupled to the base processor and that matingly engages a module connector disposed on the communication module upon receipt of the communication module into the base module in the assembled position.

25. (previously presented) The base module of claim 21 wherein the higher layers of the communication protocol stack comprise power saving functionality.

26. (previously presented) The base module of claim 25 wherein the power saving functionality comprises support for sleeping terminals.

27. (previously presented) The base module of claim 21 wherein the higher layers of the communication protocol stack stored by the base memory and performed by the base processor comprise a sessions layer.

28. (previously presented) The base module of claim 21 wherein the higher layers of the communication protocol stack stored by the base memory and performed by the base processor comprise a transport layer.

29. (previously presented) The base module of claim 21 wherein the higher layers of the communication protocol stack stored by the base memory and performed by the base processor comprise a network layer.

30. (cancelled)

31. (currently amended) The base module of claim ~~30~~ 21 wherein the base processor does not perform the functionality of a physical layer of the communication protocol stack, instead allowing the communication module to perform the functionality of the physical layer.

32. (currently amended) The base module of claim ~~30~~ 21 wherein the base processor does not perform the functionality of a data link layer of the communication protocol stack, instead allowing the communication module to perform the functionality of the data link layer.

33. (currently amended) The base module of claim 21 wherein the base memory is ~~adapted~~ operable to store, and the base processor is ~~adapted~~ operable to perform the functionality of, a first subset of a network layer of the communication protocol stack, and wherein the base processor does not perform the functionality of a second subset of the network layer, instead allowing the communication module to perform the functionality of the second subset of the network layer.

34. (currently amended) A communication module for use in a portable terminal utilizing a communication protocol stack having higher and lower layers, the portable terminal also comprising a base module ~~adapted~~ operable to perform the functionality of the higher layers of the communication protocol stack, the communication module comprising:

a wireless transceiver;

a module memory ~~adapted~~ operable to store the lower layers of the communication protocol stack; and

a module processor ~~adapted~~ operable to cooperate with the base module to effect wireless communication by the wireless transceiver, the module processor being ~~adapted~~ operable to perform the functionality of the lower layers of the communication protocol stack stored in the module memory, wherein the module processor does not perform the functionality of at least one higher layer of the communication protocol stack, instead allowing the base module to perform the functionality of said at least one higher layer.

35. (previously presented) The communication module of claim 34 wherein the communication module is configured to couple to the base module in an assembled position which communicatively couples the module processor and a base processor of the base module.

36. (previously presented) The communication module of claim 35 further comprising:

a module connector disposed on the communication module and that matingly engages a base connector that is communicatively coupled to the base processor upon coupling of the communication module with the base module in the assembled position.

37. (previously presented) The communication module of claim 34 wherein the lower layers of the communication protocol stack comprise power saving functionality.

38. (previously presented) The communication module of claim 37 wherein the power saving functionality comprises support for sleeping terminals.

39. (previously presented) The communication module of claim 34 wherein the lower layers of the communication protocol stack comprise support for roaming.

40. (previously presented) The communication module of claim 34 wherein the lower layers of the communication protocol stack support reliable transmission.

41. (previously presented) The communication module of claim 34 wherein the lower layers of the communication protocol stack comprise a data link layer.

42. (previously presented) The communication module of claim 34 wherein the lower layers of the communication protocol stack comprise a physical layer.

43. (previously presented) The communication module of claim 34 wherein the lower layers of the communication protocol stack comprise at least a portion of a network layer.

44. (cancelled)

45. (currently amended) The communication module of claim [[44]] 34 wherein the module processor does not perform the functionality of a sessions layer of the communication protocol stack, instead allowing the base module to perform the functionality of the sessions layer.

46. (currently amended) The communication module of claim [[44]] 34 wherein the module processor does not perform the functionality of a transport layer of the communication protocol stack, instead allowing the base module to perform the functionality of the transport layer.

47. (currently amended) The communication module of claim 34 wherein the module memory is ~~adapted~~ operable to store, and the module processor is ~~adapted~~ operable to perform the functionality of, a first subset of a network layer of the communication protocol stack, and wherein the module processor does not perform the functionality of a second subset of the network layer, instead allowing the base module to perform the functionality of the second subset of the network layer.

48. (currently amended) A portable terminal utilizing a communication protocol stack having higher and lower layers, the portable terminal comprising:

a base module comprising a base processor and a base memory, the base memory storing the higher layers of the communication protocol stack for use by the base processor;

a communication module comprising a module processor, a module memory, and a wireless transceiver;

the module memory storing the lower layers of the communication protocol stack for use by the module processor in communicating with both the base module and the wireless transceiver; and

the base module ~~receiving~~ being configured to receive the communication module in an assembled position which communicatively couples the base processor and module processor.

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49. (previously presented) The portable terminal of claim 48 wherein the module processor, using the lower layers of the communication protocol stack, enables the base processor, using the higher layers of the communication protocol stack, to communicate with the wireless transceiver regardless of which of a plurality of communication modules is selected.

50. (previously presented) The portable terminal of claim 48 further comprising:

a base connector, disposed on the base module, that is communicatively coupled to the base processor; and

a module connector, disposed on the communication module, that matingly engages the base connector upon receipt of the communication module into the base module in the assembled position.

51. (previously presented) The portable terminal of claim 48 wherein the higher layers of the communication protocol stack comprise power saving functionality.

52. (previously presented) The portable terminal of claim 48 wherein the lower layers of the communication protocol stack comprise power saving functionality.

53. (previously presented) The portable terminal of claim 52 wherein the power saving functionality comprises support for sleeping terminals.

54. (previously presented) The portable terminal of claim 48 wherein the lower layers of the communication protocol stack comprises support for roaming.

55. (previously presented) The portable terminal of claim 48 wherein the lower layers of the communication protocol stack support reliable transmission.

56. (previously presented) The portable terminal of claim 48 wherein the lower layers of the communication protocol stack includes a data link layer.

57. (previously presented) The portable terminal of claim 48 wherein the lower layers of the communication protocol stack includes at least a portion of a network layer.

58. (currently amended) A portable terminal utilizing a communication protocol stack having a highest layer, at least one middle layer and a lowest layer, the portable terminal comprising:

a base module comprising a base processor and a base memory, the base memory storing a first set of instructions comprising at least the highest layer of the communication protocol stack; and

a communication module comprising a module processor, a module memory, and a wireless transceiver;

the wireless transceiver having a second set of instructions comprising at least the lowest layer of the communication protocol stack;

the module memory storing the second set of instructions;

the module processor using the second set of instructions in communicating with both the wireless transceiver and the base module; and

the base processor using the first set of instructions in communicating with the module processor.

59. (currently amended) The portable terminal of claim 58 wherein the base module ~~receives~~ is configured to receive the communication module in an assembled position to communicatively couple the base processor and module processor.

60. (currently amended) The portable terminal of claim 59 further comprising:

a base connector, disposed on the base module, that is communicatively coupled to the base processor; and

a module connector, disposed on the communication module[[s]], that matingly engages the base connector upon receipt of the communication module into the base module in the assembled position.

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61. (previously presented) The portable terminal of claim 58 wherein the second set of instructions comprises at least a portion of the at least one middle layer of the communication protocol stack.

62. (previously presented) The portable terminal of claim 61 wherein the at least a portion of the at least one middle layer of the communication protocol stack of the second set of instructions comprises power saving functionality.

63. (previously presented) The portable terminal of claim 62 wherein the power saving functionality comprises support for sleeping terminals.

64. (previously presented) The portable terminal of claim 61 wherein the at least a portion of the at least one middle layer of the communication protocol stack of the second set of instructions comprises support for roaming.

65. (previously presented) The portable terminal of claim 61 wherein the at least a portion of the at least one middle layer of the communication protocol stack of the second set of instructions comprises support reliable transmission.

66. (previously presented) The portable terminal of claim 61 wherein the at least a portion of the at least one middle layer of the communication protocol stack of the second set of instructions includes a data link layer.

67. (previously presented) The portable terminal of claim 61 wherein the at least a portion of the at least one middle layer of the communication protocol stack of the second set of instructions includes at least a portion of a network layer.

REMARKS

In the Office Action of May 21, 2007, claims 21-24, 27-36, 40-49, 55-61 and 65-67 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,230,012 ("Willkie"). Applicant points out that the present application is a continuation of U.S. Patent Application 09/597,917, filed June 19, 2000, which is a continuation of U.S. Patent Application 09/481,281, filed January 11, 2000, which is a continuation of U.S. Patent Application 08/955,345, filed October 21, 1997 (now U.S. Patent 6,014,705), which is a continuation of U.S. Patent Application 08/114,872, filed August 31, 1993 (now U.S. Patent 5,680,633). Because this priority chain antedates the priority date of Wilkie, Wilkie is not prior art to the present application. Therefore, Applicant submits that claims 21-29, 31-43 and 45-67 are allowable over Wilkie. The specification is amended herewith to specifically set forth the priority claim as required by 35 U.S.C. § 120. Applicant also points out that PAIR erroneously indicates that the present application is a continuation of Application 09/597,719. Applicant requests that PAIR and other records be updated to reflect that the present application is a continuation of Application 09/597,917, not 09/597,719. Applicant further requests a corrected filing receipt reflecting the correct priority claim as set forth in this Amendment.

Incidentally, Applicant submits that Wilkie does not teach the subject matter of the claims of the present application. For example, claim 1 as amended herewith says the base processor is operable to perform the functionality of the higher layers of the communication protocol stack stored in the base memory, wherein the base processor does not perform the functionality of at least one lower layer of the communication protocol stack, instead allowing the communication module to perform the functionality of said at least one lower layer. Wilkie, in contrast, teaches that the mobile terminal TE2 device 102 (the base module) performs *all* of the layers of the communication protocol: upper layer protocols (TCP) 202, network layer protocols (IP) 204, link layer protocols (PPP) 206 and relay layer protocols (EIA-232) 208 (see Figure 2 and column 4, lines 1-13, e.g.). The wireless communication MT2 device 104 (the communication module) also performs some relay layer functionality (EIA-232, RLP and IS-95), but this is in addition to, not instead of, the relay layer functionality performed by the mobile terminal 102.
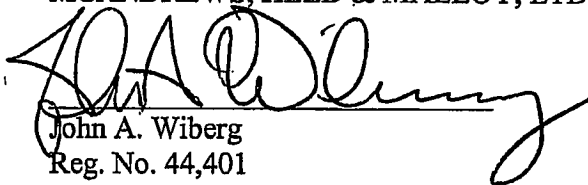
In view of the foregoing, Applicant respectfully requests allowance of claims 21-29, 31-43 and 45-67.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: <u>October 19, 2007</u>

MCANDREWS, HELD & MALLOY, LTD.

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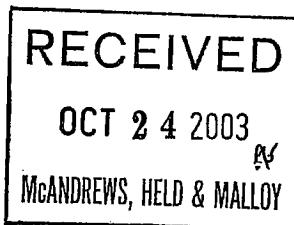Facsimile: (312) 775-8100

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APPL. NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/622,241	07/18/2003	2681	1320	14410US02	29	47	4

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CONFIRMATION NO. 3123
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OC000000011062922

Date Mailed: 10/21/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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Domestic Priority data as claimed by applicant 597,917
This application is a CON of 09/597,719 06/19/2000 PAT 6,210,003
which is a CIP of 07/898,908 06/12/1992 ABN
which is a CIP of 07/835,718 02/12/1992 ABN
and said 09/597,719 06/19/2000
is a CIP of 08/071,555 06/04/1993 PAT 5,331,136
which is a CON of 07/660,615 02/25/1991 PAT 5,218,187 09/481,281 01/11/2000 ABN
which is a CIP of 07/467,096 01/18/1990 PAT 5,052,020
and is a CIP of PCT/US90/03282 06/07/1990
and said 09/597,719 06/19/2000
is a CIP of 08/007,462 07/26/1993 PAT 5,590,346
and is a CIP of 08/059,447 05/07/1993 PAT 5,428,636
which is a CIP of 08/056,827 05/03/1993 PAT 5,295,154 CON of 08/955,345 10/21/1997
which is a CON of 07/769,425 10/01/1991 ABN PAT 6,014,705

Foreign Applications
08/114,872 08/31/1993
PAT 5,680,633

If Required, Foreign Filing License Granted: 10/17/2003

Projected Publication Date: 01/29/2004

Non-Publication Request: No

Early Publication Request: No

Title

      Modular, portable data processing terminal for use in a radio frequency communication network

Preliminary Class

      455

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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